

**ORIGINAL**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKGARDEN CITY BOXING CLUB, INC.  
Plaintiff

against

ERNESTO'S KITCHEN INC.  
ERNESTO'S KITCHEN INC.  
Defendant

07-cv-4718(wcc)

Index No. EV4718/07

ECF CASE

STIPULATION AND ORDER  
DISCONTINUING  
ACTION

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: 1/23/08

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Paul J. Hooten, Esq.  
Attorney for Plaintiff  
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Joseph R. LoCascio, Jr., Esq.  
Attorney for Defendant  
560 Warburton Avenue  
Hastings On Hudson, NY 10706

SO ORDERED:

William C. Conner  
William C. Conner  
Senior United States District Judge

Dated: Jan. 23, 2008  
White Plains, NY

USDC SDNY
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